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13
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1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>	
2	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u>	<u>Re-</u>	<u>By</u>	
3				<u>direct</u>	<u>cross</u>	<u>Examiner</u>	
4	MICHAEL RAMSEY	7	10	12	12		
5	MARK HIXSON	12					
6	ROBERT F. KOCH	29	32				
7			40				
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11	BERNARD VALENTINE	94					

12		<u>E</u>	<u>X</u>	<u>H</u>	<u>I</u>	<u>B</u>	<u>I</u>	<u>T</u>	<u>S</u>
13	<u>Number</u>	<u>For Identification</u>						<u>In Evidence</u>	
14	Applicant's 1.0	16						24	
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 04-0406. This is an application for Ramsey Emergency
4 Service, Incorporated, for certificate of local
5 authority to operate as a provider of
6 telecommunications services in all areas in the state
7 of Illinois.

8 And beginning with counsel for Ramsey,
9 will you enter an appearance for the record, please.

10 MR. HIRD: Thank you, your Honor. My name is
11 Richard W. Hird, H-i-r-d. My address is 11900
12 College Boulevard, Suite 310, Overland Park, Kansas
13 66210.

14 JUDGE RILEY: And for Staff?

15 MR. HARVEY: Appearing for the Staff of the
16 Illinois Commerce Commission, Matthew L. Harvey and
17 Eric M. Madier, 160 North LaSalle Street, Suite
18 C-800, Chicago, Illinois 60601-3104.

19 JUDGE RILEY: And for SBC?

20 MS. HERTEL: Appearing on behalf of SBC
21 Illinois, Nancy Hertel, H-e-r-t-e-l, 225 West
22 Randolph, 25D, Chicago, Illinois 60606.

1 JUDGE RILEY: Thank you. Mr. Dougherty?

2 MR. DOUGHERTY: Yes, thank you, your Honor.

3 Appearing on behalf of the Illinois
4 Telecommunications Association, Douglas Dougherty,
5 D-o-u-g-h-e-r-t-y, 300 East Monroe, Suite 306,
6 Springfield, Illinois 62705.

7 JUDGE RILEY: Who have we left out now?

8 MR. HARVEY: I believe we have counsel for St.
9 Clair County on the phone.

10 MR. KAUFHULD: Staff for St. Clair County, my
11 name is Kevin Kaufhuld, I represent St. Clair County
12 ESP. The address is 5111 West Main, Belleville,
13 Illinois 62226.

14 JUDGE RILEY: Thank you. I'm sorry, could you
15 restate your name, please.

16 MR. KAUFHULD: The name is Kevin Kaufhuld I'm
17 the attorney for St. Clair County ESP. My address is
18 5111 West Main, Belleville, Illinois 62226.

19 JUDGE RILEY: Thank you. And at this time --
20 this is a scheduled hearing to enable Applicant to
21 present the evidence in support of its application,
22 that it has the technical, managerial and financial

1 qualifications, at least resources, to provide
2 telecom services in Illinois. Mr. Hird, are you
3 prepared to proceed this morning?

4 MR. HIRD: Yes, your Honor, I am.

5 JUDGE RILEY: And do you want to call a
6 witness?

7 MR HIRD: Yes, your Honor, I would like to call
8 two witnesses this morning on behalf of the
9 Applicant.

10 JUDGE RILEY: Please present your first
11 witness.

12 MR. HIRD: Okay. First witness would be
13 Michael Ramsey.

14 (Witness sworn.)

15 JUDGE RILEY: Please proceed.

16 MICHAEL RAMSEY,
17 called as a witness herein, having been first duly
18 sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY

21 MR. HIRD:

22 Q Mr. Ramsey, would you please state your

1 full name and business address.

2 A My name is Michael L. Ramsey. My
3 businesses address in the state of Illinois is Ramsey
4 Emergency Services Incorporated at 307 Mascoutah
5 Avenue in Belleville, Illinois 62221.

6 Q Mr. Ramsey, you are the president and CEO
7 of the Applicant, Ramsey Services, Inc.; am I
8 correct?

9 A Yes, sir, I am.

10 Q Mr. Ramsey, did you cause to be filed in
11 this proceeding prefiled testimony on or about June
12 17th, 2004, rebuttal testimony on or about
13 August 4th, it looks like revised rebuttal testimony
14 on August 13th and surrebuttal testimony on
15 September 2nd?

16 A Yes, I did.

17 Q Do you have any additions or corrections to
18 make to that testimony at this time?

19 A No.

20 Q Mr. Ramsey, if I ask you the same questions
21 today under oath as are contained in your prefiled
22 testimony, would your answers be the same?

1 A They would be the same.

2 Q And do you adopt them as your answers at
3 this time?

4 A I do so adopt them, yes.

5 MR. HIRD: Your Honor, I have nothing further
6 and I would tender the witness for cross-examination.
7 I would also move for the admission of Mr. Ramsey's
8 testimony.

9 JUDGE RILEY: At this point why don't we hold
10 admission pending cross-examination.

11 MR. HIRD: Very good.

12 MS. HERTEL: Are you ready for me to proceed,
13 your Honor?

14 JUDGE RILEY: I'm sorry?

15 MS. HERTEL: Are you ready for me to proceed
16 with questions?

17 MR. HARVEY: I will not be asking Mr. Ramsey
18 any questions, your Honor, if that's the...

19 JUDGE RILEY: Mr. Dougherty, do you have any
20 questions?

21 MR. DOUGHERTY: No.

22 JUDGE RILEY: SBC?

1 MS. HERTEL: Thank you.

2 CROSS-EXAMINATION

3 BY

4 MS. HERTEL:

5 Q Directing your attention -- good morning,
6 Mr. Ramsey.

7 A Good morning, ma'am, how are you?

8 Q Thank you. Fine. Directing your attention
9 to your revised rebuttal testimony on Lines 311 and
10 312, you make a statement that Ramsey will either
11 build or purchase the network components of the 911
12 system on a UNE basis for the ILEC; is that correct?

13 A That's correct.

14 Q And by UNES, are you referring to unbundled
15 network elements?

16 A That's correct, unbundled network elements
17 provided by the present carriers.

18 Q Now, do you also happen to have in front of
19 you your response to the SBC Illinois data requests?

20 A Yes, I do.

21 Q Could you direct your attention to Request
22 No. 5.

1 A Would that be Mr. Valentine's or yours?

2 Q No, these are the discovery requests on the
3 testimony. If you don't have a copy, I could provide
4 you and your counsel with one?

5 MR. HIRD: Just a second. Are you asking about
6 SBC data requests or Staff's?

7 MS. HERTEL: SBC.

8 MR. HIRD: Okay. Question No. 5?

9 MS. HERTEL: Correct.

10 MR. HIRD: Okay. Give me just a minute.

11 THE WITNESS: Please state whether Ramsey
12 Emergency Services ever purchased UNEs from the
13 ILECs, if so, identify the ILECs from which UNEs were
14 purchased and describe the UNEs purchased. The
15 answer to our question was is no.

16 BY MS. HERTEL:

17 Q And is that still your answer today?

18 A Yes.

19 MS. HERTEL: Your Honor, I have no further
20 questions.

21 THE WITNESS: Yes, if I so may add.

22 MS. HERTEL: Your Honor, there isn't a question

1 pending. If his counsel would like to ask him a
2 further question to elaborate.

3 JUDGE RILEY: Yeah, that would be something for
4 redirect. As my understanding there was no further
5 cross-examination of this witness?

6 MR. HARVEY: None from Staff, your Honor.

7 MR. HIRD: Yes, I'd like to ask the witness one
8 follow-up question.

9 REDIRECT EXAMINATION

10 BY

11 MR. HIRD:

12 Q Mr. Ramsey, the answer was no that you have
13 not purchased UNE elements before. Does Ramsey
14 Emergency Services, Inc., have any experience with
15 the ordering of the UNE elements?

16 A Yes, we did so facilitate the UNES
17 purchased for Iowa Telecom that is associated with
18 customer basis in Iowa.

19 MR. HIRD: I have nothing further. Thank you.

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1 RECROSS-EXAMINATION

2 BY

3 MS. HERTEL:

4 Q So in the instance that you've just
5 described, it was Iowa Telecom who is actually
6 purchasing UNES, not Ramsey?

7 A That is correct.

8 MS. HERTEL: Thank you. I have no further
9 questions.

10 JUDGE RILEY: Thank you, Mr. Ramsey.

11 Mr. Hird, did you have a second
12 witness that you wanted to call?

13 MR. HIRD: Yes, your Honor. I'd like to call
14 Mark Hixson.

15 (Witness sworn.)

16 JUDGE RILEY: Please proceed.

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1 MARK HIXSON,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. HIRD:

7 Q Would you state your full name and address
8 for the record, please.

9 A Mark L. Hixson, my business address in the
10 state of Illinois is Ramsey Emergency Services
11 Incorporated, 307 Mascoutah Avenue, Belleville,
12 Illinois 62221.

13 Q Mr. Hixson, would you please state your
14 position with the Applicant?

15 A I'm the vice president and chief financial
16 officer of Ramsey Emergency Services, Incorporated.

17 Q Mr. Hixson, did you cause to be filed in
18 this proceeding some rebuttal testimony on or about
19 August 13, 2004?

20 A Yes, I did.

21 Q Do you have any additions or corrections to
22 that testimony at this time?

1 A No, I do not.

2 Q Mr. Hixson, if I was to ask you the same
3 questions today under oath that is -- that are
4 contained in your testimony, would your answers be
5 the same?

6 A Yes, they would.

7 MR. HIRD: Subject to the same motion, your
8 Honor, for admission of the testimony, I would tender
9 the witness for cross-examination.

10 JUDGE RILEY: Thank you. And starting with
11 SBC, cross?

12 MS. HERTEL: I have no cross, your Honor.

13 MR. HARVEY: Nothing.

14 MR. DOUGHERTY: Nothing, your Honor.

15 JUDGE RILEY: Does that cover everyone?

16 MS. HERTEL: Mr. Koch on the phone.

17 JUDGE RILEY: Sorry. Mr. Koch, do you have any
18 cross-examination? I'm sorry I left you out of the
19 cross-examination of Mr. Ramsey?

20 MR. KOCH: That's fine, Judge. No
21 cross-examination.

22 JUDGE RILEY: For either Mr. Ramsey or

1 Mr. Hixson?

2 MR. KOCH: No cross-examination.

3 JUDGE RILEY: All right. Thank you very much.

4 And Mr. Hird, that completes the
5 testimony of this witness obviously because -- did
6 you have anybody else that you wanted to call.

7 MR. HIRD: Your Honor, we would like to conduct
8 some cross-examination of the Staff witnesses as
9 their testimony is entered, but no direct testimony
10 at this time other than what's been presented.

11 JUDGE RILEY: That concludes your case in chief
12 then?

13 MR. HIRD: Yes, your Honor, it does.

14 JUDGE RILEY: All right. First of all,
15 Mr. Ramsey's testimony you had moved for the
16 admission -- he had several pieces of testimony as a
17 matter of fact.

18 MR. HIRD: Yes, your Honor. There should be
19 four for Mr. Ramsey and I believe one for Mr. Hixson.

20 JUDGE RILEY: Let's start with Mr. Hixson.

21 MS. HERTEL: Your Honor, could I make a request
22 that for purposes of briefing it would make it easier

1 if these exhibits were in some way numbered so that
2 we could refer to, you know, Exhibit No. 1- --

3 JUDGE RILEY: Yes. Yes, we could do that.

4 All right. Let's mark the prefiled
5 direct testimony of Mr. Ramsey as Applicant's Exhibit
6 1.0.

7 (Whereupon, Applicant's Exhibit
8 No. 1.0 was marked for
9 identification, as of this
10 date.)

11 MR. HIRD: 1.0?

12 JUDGE RILEY: Right. And there were no
13 attachments to that; is that correct?

14 MR. HIRD: Let me look. I don't believe there
15 were to his original prefile.

16 JUDGE RILEY: All right. Then there was the
17 prefiled rebuttal testimony of Mr. Ramsey.

18 MR. HIRD: Yes, your Honor.

19 JUDGE RILEY: Let's mark that as Applicant's
20 Exhibit 2.0.

21

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1 (Whereupon, Applicant's Exhibit
2 No. 2.0 was marked for
3 identification, as of this
4 date.)

5 JUDGE RILEY: I've got the surrebuttal
6 testimony of Mr. Ramsey.

7 MR. HIRD: Actually, your Honor, we have
8 revised rebuttal in between that and the surrebuttal.

9 JUDGE RILEY: Revised rebuttal and then there
10 was Mr. Ramsey's surrebuttal. Let's put the revised
11 rebuttal as Exhibit 3.0 and Mr. Ramsey's surrebuttal
12 to 4.0. My question, again, was were there any
13 attachments?

14 MR. HIRD: Yes, your Honor, there were. With
15 regard to Ramsey rebuttal testimony Exhibit 2.0,
16 there were four exhibits to that testimony.

17 JUDGE RILEY: All right. Then the Ramsey
18 rebuttal No. 4?

19 MR. HIRD: Yes, your Honor. And there were
20 also four to the revised rebuttal.

21 JUDGE RILEY: All right. Let's take -- let's
22 deal with 2.0 first. Were these marked as R1 through

1 R4?

2 MR. HIRD: Yes, they were, your Honor.

3 JUDGE RILEY: All right. And then I have them
4 attached here right. Make sure we understand R1, I
5 believe, is an e-mail dated August 3rd, 2004?

6 MR. HIRD: Yes.

7 JUDGE RILEY: All right. R2, is a list of
8 counties and addresses. Let's go back. R1, again,
9 was an e-mail dated August 3, 2004 to Janie Carland
10 (phonetic) to Ramsey also identified as Exhibit R1?

11 MR. HIRD: Your Honor, if I may, Ramsey
12 rebuttal testimony 2.0 that has four exhibits was
13 filed on or about August 4th. And that has four
14 exhibits. They're numbered R1 through R4.

15 When we filed the revised rebuttal
16 testimony on August 13th, that also had four exhibits
17 marked R1 through R4 and, perhaps, that's creating
18 some confusion.

19 JUDGE RILEY: Yeah.

20 MR. HIRD: If we can go back to the testimony
21 filed on or about August 4th, Exhibit R1 would be an
22 e-mail dated Tuesday, July 20th to and from Staff.

1 JUDGE RILEY: I already have that. Then that
2 supersedes the August 3 memo?

3 MR. HIRD: No. This would be the August 3.
4 The revised testimony was filed August 13th. If I
5 might, your Honor?

6 JUDGE RILEY: Yeah.

7 MR. HIRD: I think what's particularly relevant
8 here are the exhibits to the testimony filed August
9 13th.

10 JUDGE RILEY: All right. And the August 13th
11 is which exhibit now?

12 MR. HIRD: That would be Exhibit 3.0.

13 JUDGE RILEY: And the 2.0 was filed...?

14 MR. HIRD: August 4th.

15 JUDGE RILEY: My question is, does the --
16 Exhibit 3.0 supersede Exhibit 2.0?

17 MR. HIRD: Yes, your Honor, it does.

18 JUDGE RILEY: Then are you moving for the
19 admission of 2.0 into evidence.

20 MR. HIRD: I originally did, your Honor, but I
21 think I would retract the motion for admission of 2.0
22 and move for the admission of Exhibits 1.0, 3.0 and

1 4.0.

2 JUDGE RILEY: All right. Fine. I read 3.0
3 here -- well, I wanted to make sure that we're
4 talking about the same attachments.

5 MR. HIRD: Yes, your Honor.

6 JUDGE RILEY: All right. It starts -- the one
7 that has that August 3, 2004 e-mail from Janie
8 Carland; is that -- is that correct?

9 THE WITNESS: Yes, your Honor.

10 JUDGE RILEY: All right. And, also, there is
11 another -- what appears to be an e-mail to Staff
12 counsel and their witnesses dated July 20, 2004 from
13 you?

14 MR. HIRD: Well, at the risk of making this
15 confusing, I think the e-mail between me and Staff
16 was in the testimony marked Exhibit 2.0 which has
17 been superseded.

18 JUDGE RILEY: Let me show you what I'm talking
19 about.

20 MR. HIRD: My only confusion is that the second
21 page of that showing an e-mail betwe- --

22 JUDGE RILEY: That doesn't belong there then?

1 MR. HIRD: That's correct.

2 JUDGE RILEY: Okay. Does this belong as R2.

3 MR. HIRD: I believe so. Yes, your Honor.

4 JUDGE RILEY: Okay. R2 is correct. Let's look

5 at R3. Here's another R2.

6 MR. HIRD: Okay.

7 JUDGE RILEY: That's...

8 MR. HIRD: No, that other R2 is from the

9 previous testimony.

10 JUDGE RILEY: Then there's R3.

11 MR. HIRD: R3 would be the statements from

12 the --

13 JUDGE RILEY: Okay. This is the right one?

14 MR. HIRD: That is correct.

15 JUDGE RILEY: Okay. This is R3 and then the R4

16 is the business plan.

17 MR. HIRD: That would be the high-risk and

18 outage restoral procedures.

19 JUDGE RILEY: Okay. I've got that. All right.

20 Now, risk of adding to the confusion,

21 what I want to do is the four attachments we've

22 identified to the revised rebuttal testimony of

1 Mr. Ramsey, identified as 3.0, I want to mark the
2 four attachments as 3.1 through 3.4 and that will tie
3 the record up to that exhibit.

4 And beginning with SBC, is there any
5 objection to the admission of the exhibits we've just
6 identified as Ramsey into evidence?

7 MS. HERTEL: No, your Honor.

8 JUDGE RILEY: Any objection from Staff?

9 MR. HARVEY: As I understand, Exhibit Nos. 1, 3
10 and 4 are being admitted?

11 JUDGE RILEY: That's correct.

12 MR. HARVEY: I have no objection to that.

13 JUDGE RILEY: No. 2 was withdrawn, that had
14 been superseded.

15 MR. HIRD: Excuse me, your Honor. What
16 happened to Exhibits 2 -- 1, 3 and 4 the testimony
17 and then --

18 JUDGE RILEY: Right, and then the --

19 MR. HIRD: I'm with you, I'm sorry.

20 JUDGE RILEY: Let me -- before we go any
21 further were there any other attachments to either
22 Exhibit -- well, we know 1.0. Were there any

1 attachments to Exhibit 4.0?

2 MR. HIRD: Let me check real quick, your Honor.

3 MR. HARVEY: I don't believe there were.

4 MR. HIRD: I don't believe there were, but I

5 just want to verify.

6 No, your Honor.

7 JUDGE RILEY: All right. Staff, it's the

8 motion to Applicant's Exhibits 1.0, 3.0 with the four

9 attachments and 4.0.

10 MR. HARVEY: Staff doesn't object to that.

11 JUDGE RILEY: Mr. Dougherty?

12 MR. DOUGHERTY: No objection.

13 JUDGE RILEY: Mr. Koch?

14 MR. KOCH: No objection, Judge.

15 JUDGE RILEY: Thank you. Then Applicant's

16 Exhibits 1.0 and 3.0 are admitted in their entirety.

17 (Whereupon, Applicant's Exhibit

18 Nos. 1.0, 3.0 were admitted

19 into evidence.)

20 JUDGE RILEY: Next is the rebuttal testimony of

21 Mr. Hixson. And we'll mark that as Applicant's 5.0.

22

1 (Whereupon, Applicant's Exhibit
2 No. 5.0 was marked for
3 identification, as of this
4 date.)

5 JUDGE RILEY: Were there any attachments to
6 that?

7 MR. HIRD: I believe so, your Honor.

8 JUDGE RILEY: There was an errata?

9 MR. HIRD: There was.

10 JUDGE RILEY: Mark Page 1.

11 MR. HIRD: There were four exhibits, your
12 Honor.

13 JUDGE RILEY: All right.

14 MR. HIRD: Would you like me to review what
15 those are?

16 JUDGE RILEY: Yeah, go ahead.

17 MR. HIRD: Okay. Exhibit H1 is a letter dated
18 August 5, 2004 from the accounting firm who works
19 with the Applicant.

20 JUDGE RILEY: Okay. That's a letter from the
21 accounting firm.

22 MR. HIRD: Yes, your Honor, Mr. Kohler

1 (phonetic).

2 JUDGE RILEY: Mark that as 5.1.

3 (Whereupon, Applicant's Exhibit
4 No. 5.1 was marked for
5 identification, as of this
6 date.)

7 JUDGE RILEY: Go ahead.

8 MR. HIRD: Exhibit H2, which is an exhibit
9 designated as confidential and proprietary, is a pro
10 forma income statement -- 12-month income statement.

11 JUDGE RILEY: I'll mark that as a 5.2.

12 (Whereupon, Applicant's Exhibit
13 No. 5.2 was marked for
14 identification, as of this
15 date.)

16 MR. HIRD: Your Honor, Exhibit H3, which is
17 also designated as confidential and proprietary is
18 the business plan.

19 JUDGE RILEY: All right.

20 MR. HIRD: And Exhibit H4 is comprised of two
21 letters from the Applicant's lenders. I was thinking
22 there were three but there were two.

1 JUDGE RILEY: Okay. I'll mark those as 5.4.
2 These are letters from the Applicant's lenders?
3 MR. HIRD: There are two letters, yes, your
4 Honor.
5 JUDGE RILEY: And all these materials are filed
6 on our e-docket system; is that correct.
7 MR. HIRD: I'm sorry?
8 JUDGE RILEY: These were all filed on the
9 Commission's electronic docket system?
10 MR. HIRD: Yes, there were.
11 JUDGE RILEY: All right.
12 MR. HIRD: Now, Exhibit H3, I believe, was
13 filed as an errata. I think you mentioned that you
14 got that.
15 JUDGE RILEY: Right. Well, down here it has it
16 as Exhibit H1, but under any circumstances I'll hold
17 it now. Okay.
18 We've got that. I've got the letter
19 from the accounting firm marked as Exhibit 5.1?
20 MR. HIRD: Yes.
21 JUDGE RILEY: 5.2 is the pro forma income
22 statement which is confidential/proprietary.

1 5.3 is the business plan which has
2 been marked confidential and proprietary.

3 5.4 which is two letters from
4 Applicant's lenders.

5 MR. HIRD: Yes, your Honor.

6 JUDGE RILEY: All right.

7 MR. HIRD: Your honor, I failed to mention when
8 we were talking about the Ramsey revised rebuttal
9 testimony exhibit, there were two of those that were
10 marked as confidential and we didn't discuss those,
11 but I assume the tag of confidentiality would remain
12 with them.

13 JUDGE RILEY: Which ones are they?

14 MR. HIRD: That would be Exhibits R2 and R4 --
15 or excuse me. Let me use your number criteria. It
16 would be Exhibits 3.2 and 3.4.

17 JUDGE RILEY: All right. Let's go back to the
18 Exhibits of Mr. Hixson, 5.0 with attachments 5.1,
19 5.2, 5.3 and 5.4, generally is there any objection to
20 their admissibility?

21 MR. HARVEY: No, your Honor.

22 MS. HERTEL: No, your Honor.

1 JUDGE RILEY: Then we will admit the
2 Applicant's Exhibits, 5.0, 5.1, 5.2, 5.3, 5.4 into
3 evidence.

4 (Whereupon, Applicant's Exhibit
5 Nos. 5.0, 5.1, 5.2, 5.3, 5.4
6 were admitted into evidence.)

7 JUDGE RILEY: And I take it, Mr. Hird, that you
8 are also motioning at this time to a confidential and
9 proprietary treatment to Applicant's Exhibits 3.2,
10 3.4, and 5.2 and 5.3.

11 MR. HIRD: Yes, I am, your Honor.

12 JUDGE RILEY: And is there any objection
13 generally to the confidential and proprietary
14 treatment of those exhibits?

15 MR. HARVEY: No, your Honor.

16 MS. HERTEL: No, your Honor.

17 JUDGE RILEY: All right. Such agreement is
18 granted.

19 And did you have anything further?

20 MR. HIRD: No, your Honor, I do not.

21 JUDGE RILEY: All right. Thank you very much.
22 That effectively completes the Applicant's case.

1 Staff, did you have a witness you
2 propose to call?

3 MR. HARVEY: We have two witnesses, your Honor.
4 We would at this time, unless Ms. Hertel wants to get
5 Mr. Valentine on the stand so he can get back to
6 productive work.

7 MS. HERTEL: If Mr. Valentine chose to stay I
8 don't want you to think he had no productive work to
9 do.

10 MR. HARVEY: Fair enough. Staff will proceed
11 subject to that, and our first witness will be Robert
12 F. Koch.

13 JUDGE RILEY: Mr. Koch, can you hear me okay?

14 MR. KOCH: Yes, I can, your Honor.

15 (Witness sworn.)

16 JUDGE RILEY: Please proceed, Mr. Harvey.

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1 ROBERT F. KOCH,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MR. HARVEY:
7 Q Mr. Koch, do you have before you a document
8 marked Staff Exhibit 1.0?
9 A Yes, I do.
10 Q Does that consist of 15 pages of text in
11 question and answer format?
12 A Yes, there are.
13 Q Are there attachments?
14 A No, there are not.
15 Q Was this prepared by you or at your
16 direction?
17 A Yes, it was.
18 Q Is it your direct testimony in this
19 proceeding?
20 A Yes, it is.
21 Q If I were to ask you the questions -- let
22 me rephrase that.

1 Notwithstanding the recommendation you
2 make in this exhibit, if I were to ask you the
3 questions set forth in this document, would your
4 answers today be the same?

5 A Yes, they would.

6 Q And this was prepared by you or at your
7 direction, was it not?

8 A Yes, it was.

9 MR. HARVEY: Subject to cross-examination, I
10 would move Staff Exhibit 1.0 into evidence.

11 JUDGE RILEY: All right. Thank you,
12 Mr. Harvey. We'll hold that in abeyance before
13 cross-examination. Mr. Harvey, do you have any
14 questions --

15 MR. HARVEY: I'm sorry, your Honor, I have a
16 supplemental.

17 JUDGE RILEY: Excuse me. Sorry. Go ahead.

18 BY MR. HARVEY:

19 Q Mr. Koch, turning your attention to Staff
20 Exhibit 1.1, is this a document consisting -- do you
21 have that before you?

22 A Yes, I do.

1 Q Was that prepared by you or at your
2 direction?

3 A Yes, it was.

4 Q Does it consist of six pages of text in
5 question and answer format?

6 A Yes, it does.

7 Q If I were to prepare -- if I were to ask
8 you questions set forth in Staff Exhibit 1.1 today,
9 would your answers be the same as they were when you
10 prepared and filed it?

11 A Yes, they would.

12 Q And one final sort of housekeeping
13 question, Mr. Koch, does Staff Exhibit 1.1 contain
14 your recommendation as to what the Commission
15 should -- what action the Commission should take in
16 this proceeding?

17 A Yes, it does.

18 MR. HARVEY: Subject to cross-examination, I
19 would move Staff Exhibit 1.1 into evidence at this
20 time and I will tender the witness for
21 cross-examination.

22 JUDGE RILEY: Okay. There's no supplemental?

1 MR. HARVEY: No, there is no supplemental. I
2 think that would be sursupplemental direct and I
3 apologize for the nomenclature.

4 JUDGE RILEY: And, Mr. Hird, do you have any
5 cross-examination from Mr. Koch?

6 MR. HIRD: Some brief cross-examination, yes,
7 your Honor.

8 JUDGE RILEY: Please proceed.

9 MR. HIRD: Okay.

10 CROSS-EXAMINATION

11 BY

12 MR. HIRD:

13 Q Good morning, Mr. Koch.

14 A Good morning.

15 Q Mr. Koch, you -- in your testimony you
16 discussed the standard that you used for evaluating
17 the financial condition of the Applicant; is that
18 correct?

19 A That is correct.

20 Q And as I recall in your testimony you
21 basically indicate that because of the nature of the
22 services proposed to be offered by Ramsey, you have

1 employed a somewhat elevated standard for review; am
2 I correct?

3 MR. HARVEY: Could I ask please for a page cite
4 if at all possible?

5 MR. HIRD: Sure.

6 BY MR. HIRD:

7 Q Okay. Mr. Koch, in your Staff Exhibit 1.1
8 on Page 2, Lines 38 and 39 -- and actually,
9 previously -- in your previous testimony on
10 Exhibit 1.0 starting on Page 8, Line 174 you indicate
11 you were not aware of another such application and
12 that your review of RES application required an
13 analysis unlike those you have conducted for
14 applicants who merely sought to offer traditional
15 telecommunications services; you see that, sir?

16 A All right. Yes, on Page 8 of Staff
17 Exhibit 1.0.

18 Q Okay. And on Exhibit 1.0 Page 9, Lines 181
19 through 183, you indicate that it wouldn't be
20 appropriate to employ the same standards that you
21 would employ when considering a traditional CLEC
22 application; is that correct?

1 A That is correct.

2 Q In fact, the standard that you employed in
3 evaluating Ramsey's application was somewhat elevated
4 from the traditional standard; is that correct?

5 JUDGE RILEY: Mr. Koch, you understand the
6 question.

7 THE WITNESS: Yes, I do, your Honor, I was just
8 formulating my answer.

9 I believe that -- if you could repeat
10 the question again, I would appreciate it.

11 BY MR. HIRD:

12 Q All right. I'll try and do that, sir.
13 And, perhaps, it would be helpful if I referred you
14 to Staff Exhibit 1.0, Page 11, Lines 224 through 226.

15 Do you have that, sir?

16 A Yes, I do.

17 Q Essentially my question is, in reviewing
18 Ramsey's application, you used an elevated or more
19 stringent standard for evaluating their financial
20 condition than you would have employed in a
21 traditional CLEC application, correct?

22 A That is correct.

1 Q You used, in your terms, greater scrutiny;
2 is that correct?

3 A Correct.

4 Q All right, sir. Mr. Koch, did you anywhere
5 in your testimony quantify that standard used in
6 evaluating Ramsey's application?

7 A No, I have not.

8 Q So is it fair to say that at this point it
9 is somewhat of a subjective standard but elevated
10 from that applicable to the traditional CLEC?

11 A I would definitely say that this case, like
12 all other CLEC cases that I have been involved in the
13 financial review, is somewhat subjective. And in
14 this case being that 911 services that the Applicant
15 needs to offer. And this is definitely the first
16 time that I have encountered this type of an
17 application.

18 I did provide -- I did attempt to
19 scrutinize it at a level that I normally do not.

20 Q Okay. Very good, sir. Thank you. I'd
21 like to address for just a moment your recommendation
22 for the imposition of a bond. In your testimony --

1 and let me get the cite here.

2 MR. HARVEY: Page 5, Line 96, Counsel.

3 BY MR. HIRD:

4 Q It's the statement where you say
5 irrespective of their financial condition you would
6 recommend a bond.

7 Okay. I'll refer you to Exhibit 1.1,
8 Page 2, starting on Line 35 where it reads, Given the
9 necessity of this service and irrespective of RES's
10 current financial condition, I believe RES most --
11 must post a surety bond; do you see that, sir?

12 A Yes, I do.

13 Q I just want to make sure I understand.
14 Your recommendation of a bond is regardless of the
15 financial condition of the Applicant; is that
16 correct?

17 A That is correct.

18 Q So the recommendation for a bond doesn't --
19 isn't based upon the financial condition of this
20 Applicant, it's more of a policy consideration; is
21 that fair?

22 A I would say it's mostly a matter of

1 providing assurance to the Commission and doesn't
2 speak directly to the ability of the Applicant to
3 obtain certificate here, but rather the ability of
4 the Applicant to provide the specific service in any
5 given emergency telephone system or service area.

6 Q Okay. Just so I'm clear though --

7 MR. HARVEY: If I might just interject,
8 counsel. Did the court reporter get all of that? I
9 wasn't certain that I got all of that.

10 THE REPORTER: I was having trouble hearing.

11 JUDGE RILEY: Okay. Speak up if you're having
12 any difficulties.

13 BY MR. HIRD:

14 Q I just want to make sure that I'm clear
15 that you would make this recommendation for a bond in
16 your words irrespective of their financial
17 condition -- regardless of their financial condition;
18 am I correct?

19 A That's correct.

20 Q Okay. Mr. Koch, is it true that an ETSB
21 that wants to contract with Ramsey could request a
22 bond as a condition of a contract?

1 MR. HARVEY: I think that does call for a legal
2 conclusion.

3 JUDGE RILEY: I'm not convinced, Mr. Harvey.

4 Mr. Koch, can you answer the question?

5 THE WITNESS: Could you repeat the question?

6 BY MR. HIRD:

7 Q Isn't it true that an ETSB that wants to
8 contract with Ramsey, could impose a requirement of a
9 bond in the course of negotiating if they felt it was
10 necessary?

11 A I would assume so, yes.

12 Q Okay. Mr. Koch, regarding your
13 recommendation for opening a new docket to discuss
14 relevant issues, that recommendation is not in any
15 way related to your analysis of Ramsey's financial
16 condition, is it?

17 A Not at all.

18 Q Your job in -- as a Staff member is to do
19 kind of a balancing test, isn't it, to evaluate the
20 public interest and relative burden on utilities; did
21 I state that fairly?

22 A I've never looked at it exactly like that,

1 sir. I generally have taken my cue from -- directly
2 from the Public Utilities Act in that my role to
3 provide a recommendation as to managerial, technical
4 and financial qualifications of an applicant.

5 Q Okay. Your recommendation would
6 essentially grant -- you would have the Commission
7 grant Ramsey a certificate, but not allow them to use
8 that; is that correct?

9 A I -- my recommendation is that certain
10 issues must be addressed prior to operating. And so,
11 yes, I would grant the certificate or I recommend
12 certificate be granted and that operations commence
13 until certain of these issues have been addressed.

14 Q I see. Did you, in making that
15 recommendation, analyze the financial impact upon the
16 Applicant from any delay in resolving those issues?

17 A No, I did not.

18 Q Finally, one final question. Your
19 testimony does not address the waivers requested by
20 the Applicant; am I correct?

21 A That is correct.

22 MR. HIRD: I have nothing further. Thank you,

1 sir.

2 JUDGE RILEY: Thank you. Mr. Harvey, any

3 redirect?

4 MR. HARVEY: No, your Honor.

5 JUDGE RILEY: All right. Thank you.

6 Mr. Kaufhuld, did you have any

7 cross-examination for Mr. Koch?

8 MR. KAUFHULD: Actually I have just a few

9 questions, if I may.

10 CROSS-EXAMINATION

11 BY

12 MR. KAUFHULD:

13 Q Mr. Koch --

14 MR. HARVEY: Your Honor, if I -- awaiting

15 redirect, I'd like to hear what Mr. Kaufhuld has to

16 say.

17 JUDGE RILEY: Were you referring specifically

18 to Mr. Hird's?

19 MR. HARVEY: No.

20 JUDGE RILEY: Okay. But you'll have an

21 opportunity to readdress after his cross. Go ahead,

22 Mr. Kaufhuld.

1 MR. KAUFHULD: Thank you, Judge.

2 BY MR. KAUFHULD:

3 Q Mr. Koch, I guess the question I have is
4 why do you feel a greater scrutiny was appropriate in
5 this particular instance?

6 A I believe I indicated in my direct
7 testimony, Page 10 starting at Line 201 and included
8 on Page 11, Line 226 I lay out several reasons why
9 that is the case.

10 Q Are you -- and by those lines, is that
11 direct testimony?

12 A Yes, it is.

13 Q And in spite of the greater scrutiny, do
14 you still feel that Mr. Ramsey is financially capable
15 of providing the services?

16 A I believe I addressed that also in my
17 rebuttal testimony. And it is my opinion that they
18 have the financial capabilities necessary to operate
19 a telecommunication carrier.

20 Q All right.

21 MR. HARVEY: If I could just interject. I
22 think Mr. Koch means supplemental redirect testimony

1 for the benefit of the record when he says rebuttal.

2 THE WITNESS: My apologies. My supplemental,
3 which was Staff Exhibit 1.

4 JUDGE RILEY: Okay.

5 BY MR. KAUFHULD:

6 Q And, Mr. Koch, are there any types of
7 standards regarding this process upon the
8 confidential nature?

9 MR. HARVEY: Again, I hate to interject. But I
10 totally did not hear that question.

11 MR. KAUFHULD: Oh, I'm sorry, if there's
12 problems. I'm right on the speaker phone. Can you
13 hear me okay?

14 JUDGE RILEY: We can now, yeah. Ask the
15 question again.

16 MR. KAUFHULD: All right. I'm sorry, your
17 Honor.

18 BY MR. KAUFHULD:

19 Q Mr. Koch, I was just wondering if there are
20 any quantifiable standards that you could have used
21 for reviewing the Applicant's financial condition?

22 A I'm not entirely certain if I understand

1 your question. I'll give a response. Hopefully it's
2 responsive to -- for you.

3 Basically the quantifiable portions of
4 my review are necessarily looking at the balance
5 sheets, income statements, perhaps, statement and
6 cash flow that is provided, and I look at the values
7 provided there.

8 Generally, I'm concerned about whether
9 there's equity in the company. How well-funded it is
10 in terms of the amount of equity and the ability to
11 borrow.

12 And so these are quantifiable
13 instruments, if you will, that I take a look at, but
14 there's no specific standard of, say, a debt ratio or
15 what have you that must be satisfied in order to
16 receive the certificate.

17 Q All right. Regarding the affiliate
18 borrowed, did you find Mr. Ramsey's abilities
19 sufficient to borrow access?

20 A I believe I also indicated that -- provided
21 to me in this proceeding that it shows that they do
22 have sufficient financial backing.

1 MR. KAUFHULD: All right. Thank you. That's
2 all the questions I have.

3 JUDGE RILEY: Thank you, Mr. Kaufhuld. And
4 Mr. Harvey, again are there any redirect for
5 Mr. Koch?

6 MR. HARVEY: I think just very briefly, your
7 Honor.

8 REDIRECT-EXAMINATION

9 BY

10 MR. HARVEY:

11 Q Mr. Koch, you've, as I understand it,
12 reviewed a great -- I will try not to lead you.

13 Mr. Koch, you have -- have you
14 reviewed a fair number of these applications for
15 financial resources and abilities?

16 A Yes, I have.

17 Q And when you review them, do you do roughly
18 the same analysis every time?

19 A I would say that the answer to that
20 question is that although each case is somewhat
21 different, yet we primarily do look at the same type
22 of financial documents and they have primarily the

1 same locations.

2 Q And -- all right. That's fair.

3 MR. HARVEY: I have nothing further.

4 JUDGE RILEY: Mr. Kaufhuld, did you have

5 anything further based on that?

6 MR. KUAFHULD: No, your Honor. Thank you.

7 JUDGE RILEY: Thank you very much.

8 Counsel for SBC, do you have anything

9 for Mr. Koch?

10 MS. HERTEL: No, your Honor.

11 JUDGE RILEY: All right. Thank you. And does

12 that complete the examination of Mr. Koch then? It

13 should.

14 MR. HARVEY: It does, your Honor. And if

15 assuming that the cross-examination is completed, I

16 request admission into evidence of Staff Exhibits 1.0

17 and 1.1.

18 JUDGE RILEY: And you say there were

19 attachments to 1.1?

20 MR. HARVEY: I believe there were not.

21 JUDGE RILEY: All right. And is there any

22 objection generally to the admission of Staff

1 Exhibits 1.0 and 1.1 into evidence?

2 MR. HIRD: No, your Honor.

3 MR. HARVEY: And I would note for the record
4 that these were filed on e-docket on July 30 and
5 August 27th, 2004 respectively, they have already
6 been filed.

7 JUDGE RILEY: All right then. There being no
8 objection to Staff Exhibits 1.0 and 1.1 as filed,
9 they are admitted into evidence.

10 (Whereupon, Staff Exhibit
11 Nos. 1.0 and 1.1 were admitted
12 into evidence.)

13 JUDGE RILEY: And, Mr. Harvey, you had another
14 witness you wanted to call?

15 MR. HARVEY: We do, in deed, your Honor. The
16 Staff will, at this point, call Marci Schroll.

17 (Witness sworn.)

18

19

20

21

22

1 JUDGE RILEY: Please proceed.

2 MARCI SCHROLL,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY

7 MR. HARVEY:

8 Q Ms. Schroll, do you have before you a
9 document entitled Staff Exhibit 2.0?

10 A Yes, I do.

11 Q Does that consist of 17 pages of text in
12 question and answer format?

13 A Yes, it does.

14 Q And does that have an attachment?

15 A I believe it does.

16 Q And does that attachment consist of a
17 number of responses to -- by the Applicant to Staff's
18 data requests?

19 A That is correct.

20 Q Okay. Now, is this your direct testimony
21 in this proceeding?

22 A Yes.

1 Q Was it prepared by you or at your
2 direction?

3 A Yes.

4 Q If I were to ask you the questions set
5 forth in Staff Exhibit 2.0, excluding the
6 recommendation, would your answers be the same as
7 they were when you prepared the file?

8 A Yes, it would.

9 Q And do you have any additions or
10 qualifications or edits to make to this document?

11 A No, I don't.

12 Q Okay. Thank you, Ms. Schroll.

13 MR. HARVEY: Moving on to Staff -- and I note
14 at this point a -- something of an inconsistency.
15 Ms. Schroll's attachment is marked as Staff
16 Exhibit 2.1. I would suggest that perhaps we retitle
17 the attachment as Staff Exhibit 2.01.

18 JUDGE RILEY: All right.

19 MR. HARVEY: And I apologize for the error,
20 your Honor.

21 JUDGE RILEY: That's okay. The reason for the
22 discrepancy is that Ms. Schroll also filed

1 supplemental direct testimony.

2 MR. HARVEY: That's correct.

3 JUDGE RILEY: Which is Staff Exhibit 2.1?

4 MR. HARVEY: That is correct, your Honor.

5 JUDGE RILEY: Is Staff Exhibit 2.01 the

6 attachment to Staff Exhibit 2.0?

7 MR. HARVEY: That is correct, your Honor.

8 JUDGE RILEY: All right.

9 BY MR. HARVEY:

10 Q Turning your attention, Ms. Schroll, to a

11 document entitled -- a document now -- the only

12 document entitled Staff Exhibit 2.1, do you have that

13 before you?

14 A Yes, I do.

15 Q Does that consist of four pages of text in

16 question and answer form?

17 A Yes, it does.

18 Q Are there attachments to that document?

19 A No, there is not.

20 Q Was this prepared by you or at your

21 direction?

22 A Yes, it was.

1 Q Do you have any corrections or additions to
2 make to this document?

3 A No, I don't.

4 Q If I were to ask you the questions set
5 forth in this document, would the answers be the same
6 as they were when you filed it?

7 A Yes, it would.

8 MR. HARVEY: With that, your Honor, I would,
9 subject to cross-examination, move Staff Exhibit 2.0,
10 Staff Exhibit 2.01 as just renamed and Staff
11 Exhibit 2.1 into evidence and tender the witness for
12 cross-examination.

13 JUDGE RILEY: May I have one question to
14 Ms. Schroll herself with regard to the recommendation
15 of Staff Exhibit 2.0, Pages 17 and 18, starting about
16 Lines 342 through 350.

17 Is it my understanding that as a
18 result of your testimony in Staff Exhibit 2.1 and
19 your original recommendation on Staff 2.0 is now
20 obsolete?

21 THE WITNESS: That's correct.

22 JUDGE RILEY: All right then. Counsel, are we

1 moving to strike the testimony in Staff Exhibit 2.0.

2 MR. HARVEY: If that's your pleasure, your
3 Honor, we can certainly do that. I mean, since
4 Ms. Schroll makes her final recommendations in Staff
5 Exhibit 2.1, you know, I guess it's sort of booted
6 out anyway.

7 But if you'd prefer that we resubmit
8 the testimony of both Ms. Schroll and Mr. Koch with
9 their recommendations, their additional
10 recommendations stricken, we certainly will do that.

11 JUDGE RILEY: Okay. Well, that's not
12 necessary. When the motions -- Ms. Schroll's
13 testimony, is that the Lines 339 to 350 on Pages 17
14 and 18 moving to strike that, in so far as that
15 recommendation has been superseded by supplemental
16 direct testimony. Counsel, do you have any
17 objection?

18 MR. HIRD: No objection, your Honor.

19 JUDGE RILEY: All right.

20 Mr. Kaufhuld, is there any objection?

21 MR. KAUFHULD: No objection to that, your
22 Honor.

1 JUDGE RILEY: All right. Then we will strike
2 the -- Lines 339 -- the testimony contained on 339
3 through 350 of Staff Exhibit 2.0, which is going to
4 bring us back to Mr. Koch's Exhibit 1.0.

5 And Mr. Koch, let me recall you for a
6 moment on Page 14 of Exhibit 1.0.

7 MR. HARVEY: 297.

8 JUDGE RILEY: Excuse me. Let me go back to
9 Line 297, Page 14. I have two recommendations on
10 Lines 297 down through 314, was that superseded by
11 your supplemental direct testimony?

12 MR. KOCH: Your Honor, for the most part
13 definitely the recommendation on -- from Lines 297 to
14 302 has changed.

15 JUDGE RILEY: Okay. That's been superseded by
16 your supplemental direct testimony?

17 MR. KOCH: Correct. And -- I guess the second
18 item is that I introduced a new recommendation that
19 surety -- in my Staff Exhibit 1.1.

20 MR. HARVEY: 1.1, your Honor.

21 MR. KOCH: And I continued to recommend that a
22 new proceeding be opened.

1 MR. HARVEY: Line 304.

2 JUDGE RILEY: We'll leave Lines 304 to 314 as
3 it is. Then I take it your proposal is to strike
4 Line 297 to Line 302 on Staff Exhibit 1.1 so far as
5 they are superseded.

6 MR. HARVEY: To the extent they are superseded,
7 I have no objection of that, your Honor.

8 JUDGE RILEY: And is there any objection to
9 striking that?

10 MR. HIRD: No, your Honor.

11 JUDGE RILEY: Mr. Kaufhuld, any objection?

12 MR. KAUFHULD: That's fine, your Honor.

13 MS. HERTEL: No, your Honor.

14 JUDGE RILEY: Then we will strike the testimony
15 on Lines 297 to 302 on Staff Exhibit 1.1.

16 MR. HARVEY: I have to go back to Ms. Schroll's
17 testimony, your Honor. I'm not certain what was
18 stricken and I guess I need a ruling on that.

19 JUDGE RILEY: Regarding the direct testimony of
20 Ms. Schroll, Staff Exhibit 2.0, if you look at Pages
21 17 and 18, Ms. Schroll made a recommendation
22 contained in Lines 339 through 350, and it was my

1 clear understanding that her supplemental direct
2 testimony had changed that recommendation which would
3 supersede --

4 MS. HERTEL: Your Honor, I may have slightly
5 different page numbers, because I've got -- the
6 answer starts on Line 337 on mine, and at least as I
7 look at it, not all the language there referred to
8 the recommendation.

9 MR. HARVEY: I would agree, your Honor. I
10 think that that refers specifically to a -- that
11 recites a statute that recites a position that Staff
12 has, in deed, taken in another rule-making and which,
13 I believe, the Commission has substantially adopted.
14 And I think that the recommendation appears to be
15 starting at Line -- I have it 321 and with the words,
16 Additionally, I agree with Robert Koch's
17 recommendation.

18 THE WITNESS: Yes, I agree with that.

19 JUDGE RILEY: And what you're saying then is
20 that the language that begins, Additionally, I agree
21 with Robert Koch's recommendation, that is the
22 language that should be stricken and nothing prior to

1 that; is that correct?

2 MR. HARVEY: I think that's a fair
3 characterization. I refer to Ms. Schroll's view on
4 what her testimony is, but I believe that --

5 JUDGE RILEY: She said she just agreed with it,
6 right?

7 MR. HARVEY: The sentence starting,
8 "additionally" and through "telecommunication
9 services either," those are two sentences I have on
10 Lines 341 through 345, but other people may have
11 different ones.

12 JUDGE RILEY: All right. Well, what I'll --
13 the testimony that begins, No, the ETSA defines the
14 911 system, and continues through, Provided by
15 multiple providers, that testimony is the same?

16 MR. HARVEY: Yes, your Honor.

17 JUDGE RILEY: It remains untouched. It's only
18 the testimony after the "additionally" I agree with
19 Robert Koch and including the "telecommunications
20 services either." All right. Let me rescind my
21 earlier ruling. And with regard to the line
22 beginning, "additionally," I agree, and ending with

1 "telecommunications services either," that's the
2 language that we're striking.

3 MR. HARVEY: Correct, your Honor.

4 JUDGE RILEY: It is my understanding that this
5 has been superseded?

6 MR. HIRD: Yes, your Honor.

7 JUDGE RILEY: Objection now?

8 MR. HIRD: No objection.

9 JUDGE RILEY: Mr. Kaufhuld?

10 MR. KAUFHULD: No objection, Judge.

11 JUDGE RILEY: All right. Thank you. Staff,
12 that will be the language that was stricken.

13 And now, where are we with
14 Ms. Schroll?

15 MR. HARVEY: I believe we have tendered her for
16 cross, your Honor.

17 JUDGE RILEY: Okay.

18 MR. HIRD: Thank you, your Honor, Counsel.

19 CROSS-EXAMINATION

20 BY

21 MR. HIRD:

22 Q Ms. Schroll, good morning, first of all.

1 A Good morning.

2 Q I want to confirm what's stated in your
3 testimony filed August 27th and if I understand
4 correctly this is now numbered 2.01?

5 A That's correct.

6 MR. HARVEY: No, your Honor, this is 2.1. The
7 attachment is 2.01. The attachment to 2.0 is 2.1.

8 MR. HIRD: Thank you. All right. I want to
9 refer to it correctly.

10 BY MR. HIRD:

11 Q In Staff Exhibit 2.1, which is your
12 supplemental direct testimony, on Page 4 starting at
13 Line 75, your recommendation essentially is that the
14 application for certification should be approved but
15 that Ramsey not be allowed to utilize that
16 certificate until resolution of some issues in
17 another proceeding; is that essentially fair?

18 A My recommendation is stating that I would
19 approve of the certification of Ramsey Emergency
20 Services as a lo- -- competitive local exchange
21 carrier, but I'd recommend that they not be allowed
22 to operate in the 911 service provider until the

1 Commission has the ability to address some other
2 issues.

3 Q Okay. You mentioned in your testimony, I
4 believe, three examples of issues that need to be
5 addressed at another proceeding. And I refer you to
6 Exhibit 2.1 starting on Page 3, Line 47. Well, you
7 can start with the question at Line 45.

8 The first issue that's raised was that
9 there isn't a carrier of last resort, as you
10 indicated; do you see that?

11 A Yes, I do.

12 Q Okay. Is there a provision for a carrier
13 of last resort if an ILEC in the present status of
14 911 service, if an ILEC fails, is there a carrier of
15 last resort designated?

16 A I do not believe there is; however, there
17 is a process in place under the Public Utilities Act
18 that an incumbent local exchange carrier must come to
19 the Commission. And I believe in 13-406, the carrier
20 must -- I can basically read it.

21 Q Well, you're talking --

22 A That means that 406 of the Public Utilities

1 Act states that no telecommunication carrier offering
2 to provide a noncompetitive telecommunications
3 service pursuant to a valid certificate of service
4 authority or certificate of public convenience and
5 the necessity shall discontinue or abandon such
6 service once initiated and shall demonstrate and the
7 Commission find after noticing and hearing that such
8 continuance or abandonment will not deprive customers
9 of any necessary or telecommunication services or
10 access thereto and is not otherwise contrary to the
11 public interest.

12 Q Okay. Ms. Schroll, if I understand
13 correctly, the provision that you just read out of
14 13-406 would apply to Ramsey as well; is that
15 correct?

16 A I am not an attorney, but my understanding
17 is that they would be considered a competitive
18 carrier. And the requirements would be different
19 under this section.

20 It also states that no
21 telecommunication carrier offering or providing
22 competitive telecommunications service shall

1 discontinue or abandon service once initiated except
2 upon 30 days notice to the Commission which is not
3 very much time to try to rectify a situation if an
4 Iowa service provider is unable to continue to
5 provide that service.

6 Q Well --

7 A So there is a different standard for a
8 competitive carrier than it is for an incumbent
9 carrier.

10 Q It is the same amount of notice though; is
11 that correct?

12 A I do not believe it is the same amount of
13 notice.

14 Q Okay. But there is in place a statutory
15 provision for the discontinuance or abandonment of
16 service by a competitive provider; is that correct?

17 A Yes, but I believe it's -- it doesn't give
18 the Commission enough time to act upon a situation
19 where a 911 service provider could no longer provide
20 service.

21 Q Right. And I understand that. I'm just
22 trying to make sure that I can differentiate.

1 The issue here is not whether there is
2 a provision in place via the statutes, it's whether
3 you think that the statutory provision gives enough
4 time; is that correct?

5 A Let me clarify. It does require that a
6 CLEC provide 30 days notice, but it doesn't provide
7 the Commission with any direction as to who could be
8 the carrier of last resort.

9 Q Okay.

10 A And that's where my testimony that I
11 address on Page 3, Lines 47 through 51 are addressing
12 this issue and that it needs to be looked at by this
13 Commission.

14 Q Now, the statute that you refer to 13-406
15 also provides that the Commission may order -- may
16 enter an order prohibiting discontinuance or
17 abandonment if the Commission finds it's in the
18 public interest; is that correct?

19 MR. HARVEY: I think we'll stipulate that the
20 Commission may on its own motion or upon complaint
21 investigate the proposed -- and may, after notice and
22 hearing, prohibit such a discontinuance or

1 abandonment condition and find it to be contrary to
2 the public interest. I will stipulate to that.

3 MR. HIRD: Okay.

4 JUDGE RILEY: Counsel, is that sufficient?

5 MR. HIRD: Excuse me?

6 JUDGE RILEY: Is that satisfactory?

7 MR. HIRD: Yes. Yes, it is.

8 MS. HERTEL: As to noncompetitive services?

9 MR. HARVEY: No.

10 MS. HERTEL: Thank you.

11 BY MR. HIRD:

12 Q Ms. Schroll, likewise, under 4-501, the
13 Commission can actually appointment a receiver for a
14 small telephone carrier if necessary; is that
15 correct?

16 A I'm sorry can you refer me there.

17 Q Under 4-501.

18 MR. HARVEY: I guess, again, we'll stipulate
19 that 4-501 says what it says. It's an application to
20 noncompetitive -- or to competitive telecommunication
21 providers is something I don't think we're prepared
22 to speak to.

1 MR. HIRD: Okay.

2 BY MR. HIRD:

3 Q Ms. Schroll, I'm not trying to nitpick with
4 you. What I'm trying to get at here is there, in
5 fact -- there are, in fact, several places within the
6 statutes where there are provisions for what happens
7 if a competitive local exchange carrier goes out of
8 business; am I correct?

9 A That very well may be true; however, if the
10 Commission does not direct the carrier last resort
11 for 911, Staff's concern was that -- let's just use
12 for example Ramsey communication comes into a
13 particular territory, begins offering 911 service in
14 place of an existing incumbent local exchange
15 carrier.

16 If that existing local exchange
17 carrier decides to sell its selective router and not
18 provide 911 service any longer then -- and Ramsey
19 Communications -- or Ramsey Emergency Services is no
20 longer able to provide services, there isn't -- may
21 not be a carrier there available to provide that
22 service.

1 So I felt that the Commission needed
2 to look at this particular issue under the Emergency
3 Telephone System's Act 50 ILCS Act 750, the
4 Commission is required to set technical standards for
5 the provisioning of 911 service.

6 And because no competitive carriers
7 have provided this type of service in Illinois, it
8 would only seem appropriate that the Commission be
9 allowed to set some type of standard for this
10 particular situation.

11 Q Okay. At the present time, part of your
12 role -- you are, as I recall, director of the 911
13 program with the Commission; is that correct?

14 A I am the 911 program manager.

15 Q Okay. And it's your responsibility to know
16 what types of arrangements have been made between
17 ILECs for the provisioning of 911 services in the
18 state; is that fair?

19 A Specifically what I am related to --

20 Q Well, let me --

21 A -- I understand the question.

22 Q Okay. Does Bell presently subcontract data

1 base management of ALI records to Entrado?

2 MR. HARVEY: I guess, by Bell --

3 MR. HIRD: Yes, precisely.

4 MR. HARVEY: -- you mean whom precisely?

5 MR. HIRD: Southwestern Bell Illinois -- SBC

6 Illinois, excuse me.

7 MS. HERTEL: Your Honor, I'm going to object to

8 the question. It's their certificate whether or not

9 they're qualified and whether or not we subcontract

10 database management to Entrado. I don't see how it's

11 relevant to this proceeding.

12 MR. HIRD: May I respond?

13 JUDGE RILEY: Go ahead.

14 MR. HIRD: The concern is here is obviously

15 that what happens if Ramsey goes out of business.

16 And the presumption is that Bell is the carrier that

17 is providing all the components of this service and

18 the nice package for these citizens of Illinois.

19 What I'm trying to demonstrate with

20 this question is that there are significant

21 components of the system existing right now that are

22 subcontracted out to other companies, maybe they're

1 affiliated, I don't know. But are subcontracted out
2 to other companies.

3 The risk of those companies failing
4 creates the same level of concern that Staff has with
5 what happens if Ramsey goes out of service.

6 MS. HERTEL: Your Honor --

7 MR. HIRD: And I'm trying to address Staff's
8 testimony. This is what the witness brought up, so
9 that's the purpose for my line of questioning.

10 MS. HERTEL: Your Honor, whether or not SBC
11 Illinois subcontracts the piece part of the 911
12 services, is asking for a mini trial here.

13 It's my understanding what they are
14 asking for in their application is not to just do
15 some piece of a -- just, you know, provide database
16 management. They're going far beyond this in their
17 application.

18 So to get into what part SBC Illinois
19 has piece parted out, I still think is not relevant
20 to the issues at hand.

21 JUDGE RILEY: I'm going to disagree with you,
22 Counsel. I think he made a good point. Can the

1 witness answer the question?

2 THE WITNESS: I apologize but I cannot hear
3 Ms. Hertel and I don't know what she said.

4 MR. HIRD: Would you like me to restate the
5 question.

6 JUDGE RILEY: Please.

7 THE WITNESS: Yes. Thank you.

8 BY MR. HIRD:

9 Q Ms. Schroll, is it correct that at the
10 present time SBC Illinois subcontracts out ALI
11 database management to Entrado?

12 A Staff is aware and knowledgeable that some
13 of the incumbent carriers, such as SBC, have
14 contracted and outsourced some of their services to
15 other services; however Entrado is not regulated by
16 this Commission and SBC is a regulatory -- is a
17 regulated entity and would be the entity that would
18 be responsible under the eyes of the Commission for
19 providing services.

20 There are many other vendors that
21 provide contracted services in the state of Illinois.

22 Q And, for example, there's a company called,

1 I believe, Pozitron (phonetic) that subcontracts the
2 maintenance of terminal equipment from SBC Illinois?

3 A I would not be able to answer that.

4 Q I guess my question to you is, in your
5 testimony you refer to the danger of Ramsey
6 abandoning service. What happens if Entrado or
7 Pozitron fails in their provisioning of data -- of
8 database management to SBC?

9 MS. HERTEL: Your Honor --

10 MR. HARVEY: That calls for speculation, your
11 Honor.

12 MS. HERTEL: And I'm going to object on other
13 bases, there is no evidence -- she said she didn't
14 know whether Pozitron provided any services in
15 Illinois.

16 MR. HIRD: I think my last question is
17 restricted to Entrado and I think she said she was
18 aware of that.

19 MS. HERTEL: You added "and" and "Pozitron."
20 Why don't you just rephrase it.

21 MR. HIRD: I would be glad to rephrase the
22 question.

1 BY MR. HIRD:

2 Q Ms. Schroll, is the risk to the citizens of
3 Illinois the same if Entrado fails in its effort to
4 provide database management for SBC Illinois?

5 A I have no regulatory -- we have no
6 regulatory authority over Entrado. Again, SBC would
7 be responsible for ensuring whether they do it
8 through Entrado or themselves if they provide the
9 services.

10 Q Okay. Well, let me skip down to the third
11 point that you raise in your testimony and I'll refer
12 you to Exhibit 2.1, Page 4, starting at Line 63; do
13 you have that?

14 A Yes, I do.

15 Q Okay. One of the questions that you raise
16 is that there's a need for the Commission to evaluate
17 and analyze the legality and propriety of allowing
18 911 services to be made available as a competitive
19 service offering.

20 And then you refer to the system
21 provider as being the contracted entity providing 911
22 network and database services; do you see that?

1 A Yes, I do.

2 Q Am I fair in saying that essentially your
3 argument is they can't be a syst- -- a 911 system
4 provider unless they provide both network and
5 database services?

6 A That would be a fair assumption, yes.

7 Q Isn't it true at the present time neither
8 SBC Illinois nor Verizon provide all of the network
9 or database services, don't they subcontract those
10 out?

11 MS. HERTEL: Your Honor, I'm going to object to
12 that question.

13 THE WITNESS: We don't -- we have --

14 JUDGE RILEY: Excuse me. Ms. Schroll, I have
15 an objection coming.

16 THE WITNESS: Okay.

17 JUDGE RILEY: Go ahead.

18 MS. HERTEL: I'm going to object to that
19 question. I think it calls for -- again, it raises
20 the issues regarding SBC Illinois and what they're
21 doing. And I think it calls for a legal conclusion
22 on Ms. Schroll's part as to whether because we --

1 assuming -- and, again, we're trying this mini
2 case -- but assuming for purposes of argument we
3 subcontract database management to SB- -- to Entrado,
4 that somehow she's asked to conclude that that means
5 that SBC Illinois is not really providing database
6 services?

7 MR. HIRD: Your Honor, I'll make my legal
8 argument at the appropriate time. But I think I'm
9 entitled to ask the Staff witness factual questions
10 about what exists now compared to what we're offering
11 to provide.

12 JUDGE RILEY: I'm going to allow it.
13 Ms. Schroll, can you answer the question?

14 THE WITNESS: Mr. Hird, can you rephrase the
15 question again, please.

16 MR. HIRD: Can you read it back?

17 (Whereupon, the record was read
18 as requested.)

19 BY MR. HIRD:

20 Q Do you understand the question?

21 A Can you repeat the question?

22 Q I'll try and restate it just to move things

1 along.

2 At the present time, isn't it true
3 that SBC Illinois and Verizon, for that matter, don't
4 own all the network they use to provide 911 services?

5 MR. HARVEY: For a clarification, don't own all
6 the network, don't own all the infrastructure
7 databases? I'm not certain that that necessarily is
8 the question counsel is asking. And I think that
9 needs some clarification on that point.

10 JUDGE RILEY: Ms. Schroll, can you answer the
11 question?

12 THE WITNESS: My understanding as Staff member
13 of this Commission is that an entity that is going to
14 be a 911 system provider must provide those database
15 and networks, and they must also be certified as a
16 telecommunication carrier to provide that. SBC is
17 certified and does provide both networks and database
18 services. Whether they contract out or not it is
19 really not -- it's not my -- that that's their -- you
20 know, their business to do so. They are the
21 responsible party, and we hold SBC and Verizon
22 responsible for those services and as one entity.

1 BY MR. HIRD:

2 Q Ms. Schroll, the providing the network that
3 you refer to in your testimony, could be done by
4 Ramsey just as easily as Bell; am I correct?

5 A If -- you know, if SBC contracted with
6 Ramsey to provide network under their name?

7 JUDGE RILEY: In other words, Ms. Schroll, you
8 didn't understand the question again.

9 THE WITNESS: No, I don't understand what
10 you're asking.

11 BY MR. HIRD:

12 Q Okay. Let me see if I can break this down.

13 At the present time SBC Illinois uses
14 networks owned by other companies to transport calls
15 and data related to 911 service; am I correct?

16 A That might be correct.

17 Q And, in fact, they use --

18 A I don't know their network. I am not, you
19 know, one of their technical people. I don't know
20 what their network consists of.

21 Q Well, I'll admit I'm not a technical person
22 either, but let me ask it this way: Until they

1 receive long-distance authority, every time a 911
2 call crossed a LATA line, it had to travel over
3 somebody's long-distance lines, right?

4 A That's correct.

5 Q And that wasn't Bell's, was it?

6 A No, it was not.

7 Q So they're using components of other
8 parties' networks?

9 A Oh, absolutely.

10 Q All right. In the same way Ramsey could
11 aggregate a network to provide the same service; am I
12 correct?

13 A Oh, correct. I'm sorry, sir. I didn't
14 understand your question.

15 Q That's really all I was getting to.

16 A Yes, correct.

17 Q Okay. Now, in this case, one difference is
18 that RES has indicated it will provide the database
19 management directly; isn't that correct?

20 A That's my understanding of their
21 application.

22 Q All right. Now, I'd like to turn for a

1 moment to the second point you make in your testimony
2 starting at Staff Exhibit 2.1, Page 3, Line 52.

3 And the question I think you pose is
4 whether there is, in fact, a rate structure in place
5 for the provision of the necessary network elements;
6 is that correct?

7 A Correct.

8 Q That's essentially a business risk that
9 Ramsey is undertaking, am I correct, whether they can
10 aggregate the network necessary?

11 A I pose that as a Staff member who is
12 responsible for making sure that the 911 network and
13 database provisions work (cktape) appropriately, I
14 would be concerned if there was some issues that
15 weren't addressed here, so I conclude you're correct.

16 Q All right. Ms. Schroll, could you describe
17 what the responsibility and authority of the ETSBs
18 are in this process?

19 A The ETSB is responsible for a number of
20 things under the Emergency Telephone Systems Act
21 750-15.4, Paragraph B, there are -- and in
22 Paragraph D there are a number of items that ETSB is

1 responsible for; planning the 911 systems -- I can
2 read these all out if you'd like me to.

3 Q Could I ask a follow-up question, please,
4 and that is, is the ETSB responsible for contracting
5 with a 911 provider like Ramsey?

6 A Yes, they are.

7 Q So it's up to the ETSB to evaluate the
8 benefits and risks of doing business with Ramsey?

9 A Yes, they would be.

10 Q And it's their right to say yes or no to a
11 contract or any provisions of the contract?

12 A I'm sorry. You cut off there. Your
13 question cut off. Could you repeat that, please.

14 Q I'll withdraw my question. One final
15 question: Ms. Schroll, do you think that it's
16 possible that the introduction of competitive 911
17 services might actually improve the quality or lower
18 the cost or both to the citizens of the state of
19 Illinois?

20 A That could be a possibility, yes.

21 MR. HIRD: All right. I have nothing further.
22 Thank you.

1 JUDGE RILEY: Thank you. Counsel? Redirect,
2 Mr. Harvey?

3 MR. HARVEY: Certain amount here.

4 REDIRECT EXAMINATION

5 BY

6 MR. HARVEY:

7 Q Now, Ms. Schroll, you are aware of the
8 number of 911 system providers in the state of
9 Illinois, are you not?

10 A Yes.

11 Q And how many is that?

12 A I believe I stated in my direct testimony,
13 Staff Exhibit 2.0, that there were four that I have
14 correct -- that there are five.

15 Q Are all of those telecom carriers?

16 A Yes, they are.

17 Q Are they all incumbent local exchange
18 carriers in some part of the state of Illinois?

19 A Yes, they are.

20 Q And are all of the companies with
21 substantial infrastructures and investments in the
22 state of Illinois?

1 A Yes, they are.

2 Q Okay. Now, Mr. Hird asked you with respect
3 to your supplemental direct testimony at Line 52.
4 Mr. Hird asked you whether it was not perhaps a
5 business risk that Ramsey took in that regard,
6 correct?

7 A Yes.

8 Q You know, I'll withdraw this.

9 Mr. Hird asked you a number of
10 questions regarding the authority and responsibility
11 of emergency telephone system boards, did he not?

12 A Yes, he did.

13 Q And if I could ask you to elaborate a
14 little bit on that. Emergency telephone system
15 boards have to submit plans and contracts to the
16 Commission, do they not?

17 I apologize, I'm leading.

18 Do emergency telephone system boards
19 have to submit their contracts to the Commission for
20 approval in many cases?

21 A 911 systems are required to submit an
22 initial application to the Commission for approval to

1 be a 911 systems. And after that application there
2 is information about the network and the database
3 provider and how the 911 system will be designed and
4 the Commission does have to authorize that prior to
5 them providing service.

6 Additionally, anytime they modify
7 something in their systems, they have to file a
8 modification with the Commission.

9 Q Could you explain why this is the case as
10 you understand it.

11 A My understanding is that because this is a
12 life-saving, critical service that is being provided
13 by the telecommunication carrier as well as these 911
14 systems, the Commission needs to verify that the
15 guidelines, the technical guidelines that have been
16 put in place are being met.

17 Q Does the Commission have the responsibility
18 for making sure that all the state is covered and
19 that jurisdictional disputes don't take place between
20 ETSBs?

21 A We don't necessarily -- the Commission
22 doesn't necessarily have jurisdiction over -- there

1 are certain -- let me just rephrase that.

2 There are certain areas within
3 Illinois that do not have a 911, but the entire state
4 of Illinois does have some of 911 and those are
5 locally initiated.

6 Once the Commission grants approval,
7 we do -- we do have involvement as far as issues --
8 jurisdictional issues that might occur, problems that
9 we have to get involved in. I'm not sure if that
10 answered your question.

11 Q That's close enough, Marci.

12 A Okay.

13 Q One final question, Mr. Hird indicated that
14 ETSBs had the ultimate authority and responsibility
15 to enter into contracts and to deal with system
16 providers and to deal with various aspects of their
17 municipal and corporate existence. When they fail to
18 do that, who gets to fix it?

19 A The Commission.

20 Q And more specifically at the Commission?

21 A Myself.

22 Q Yes, thank you.

1 MR. HARVEY: Nothing further for Ms. Schroll.

2 JUDGE RILEY: Thank you. Is there any recross,

3 Mr. Hird.

4 MR. HIRD: No, your Honor.

5 JUDGE RILEY: All right. Mr. Kaufhuld, do you

6 have any cross-examination for Ms. Schroll.

7 MR. KAUFHULD: Yes, I have a few questions,

8 your Honor for Ms. Schroll.

9 JUDGE RILEY: Please proceed.

10 MR. KAUFHULD: Thank you.

11 CROSS-EXAMINATION

12 BY

13 MR. KAUFHULD:

14 Q Ms. Schroll, regarding your testimony as to

15 Entrado, have you or any other individuals of the

16 Staff received any compliance as to Entrado's

17 operation regarding any emergency telephone services

18 within the state of Illinois?

19 MS. HERTEL: Your Honor, I'm going to object.

20 MR. HARVEY: That is cumulative.

21 MS. HERTEL: I mean, it's cumulative, but it's

22 also, again, going into whatever arrangements SBC

1 Illinois has with another entity, and I don't see how
2 that's relevant.

3 JUDGE RILEY: Well, Mr. Kaufhuld, could you
4 give me some idea where you're going with this.

5 MR. KAUFHULD: Well, I mean, the question that
6 was really addressed was dealing with services of
7 contracts of entities of SBC. And where I'm going
8 with this is I'd like to know if the ICC has any
9 interest in knowing how long it would take for SBC to
10 substitute those services in the event Entrado would
11 leave operation?

12 MS. HERTEL: Your Honor, I'm hard pressed to
13 see how this is. I mean, it's their application and
14 whether they can do it and what applies to Ramsey and
15 how long it would take. Assuming she knew, I still
16 don't see how its relevant to this proceeding.

17 MR. HARVEY: I would agree. I just don't see
18 that that line of questioning is relevant.

19 MR. HIRD: Your Honor, do I get to address it?

20 JUDGE RILEY: Go ahead.

21 MR. HIRD: From the Applicant's standpoint this
22 is exactly the issue. And that is that the question

1 raised by Staff, which is understandable, is what
2 happens if Ramsey goes out of business? How long
3 will it take to get a substitute? What's going to be
4 the cost?

5 While those are understandable, what
6 this question goes to is the very heart of the issue.
7 We have a situation right now where there are
8 subcontractors that are not under the Commission's
9 jurisdiction that are providing critical components
10 of 911 service. What happens if they go out of
11 business? Isn't it the same or even greater risk
12 than if Ramsey's allowed to get into the marketplace
13 and compete. I think the question's entirely
14 relevant.

15 JUDGE RILEY: I'm --

16 MR. HARVEY: If you accept that risk is equal
17 to Ramsey or SBC going out of business, I think
18 that's somewhat of a far-fetched assumption.

19 JUDGE RILEY: Well, let me see if Ms. Schroll
20 can answer the question?

21 THE WITNESS: I think the question would be
22 substituted for SBC.

1 JUDGE RILEY: Well, excuse me. The question
2 was directed to you, Ms. Schroll, so if you can
3 please answer, do so.

4 THE WITNESS: I lost the question actually in
5 all of this discussion.

6 JUDGE RILEY: Mr. Kaufhuld, can you repeat it?

7 MR. KAUFHULD: Sure. I can restate it.

8 BY MR. KAUFHULD:

9 Q Ms. Schroll, have or you any ICC Staff
10 members to your knowledge received any complaints
11 regarding Entrado's operation as to 911 emergency
12 services in the state of Illinois?

13 MS. HERTEL: Your Honor --

14 THE WITNESS: Entrado is not subject to
15 Commission regulations. So, you know, if there are
16 complaints about Entrado, they would be basically an
17 SBC complaint that I would have to handle through
18 SBC. And I believe that there have been complaints
19 that we have worked through.

20 Q Okay. The complaints would be regarding
21 SBC's contract entities, then, I take it?

22 MS. HERTEL: Your Honor, I'm going to re-enter

1 my objection. This seems to be going far afield. I
2 mean, it's the point of Mr. Forshee --
3 Mr. Kaufhuld's witness, you know, that is particular
4 ETSB is very supportive of this application. And so
5 if there is a quarterly application, that's great;
6 but it doesn't seem to me that they need to go
7 through any alleged complaints regarding SBC's
8 arrangements in 911 in the state.

9 JUDGE RILEY: So then you have a continuing
10 objection to this line of questioning.

11 MS. HERTEL: Yes.

12 JUDGE RILEY: Let me hear the rest of it.

13 Ms. Schroll, again, can you answer it?

14 THE WITNESS: I thought I answered it.

15 JUDGE RILEY: Mr. Kaufhuld, can you ask the
16 question again?

17 BY MR. KAUFHULD:

18 Q Ms. Schroll, if you would be handling
19 complaints regarding Entrado, I think it's from your
20 prior testimony here that the complaints would
21 actually be referred through -- referred to SBC
22 personnel to deal with?

1 A That's correct.

2 Q And have you received such a complaint?

3 A I have.

4 Q And have you been working as an ICC Staff

5 member with SBC to handle this?

6 A I have in the past.

7 Q All right. And do you have any idea of how

8 long it would take for SBC to provide services that

9 Entrado is providing currently, if Entrado were to

10 stop operating?

11 A No, I do not.

12 Q And do you know if there is any bonding

13 requirement currently in place on SBC as to those

14 services contracted to Entrado?

15 A I'm not aware of any.

16 Q And are you aware of any bonding

17 requirements of local 911 ETSBs regarding the same

18 issue as to Entrado and SBC?

19 A No, I am not.

20 Q All right. Now, Ms. Schroll, directing

21 your attention to your testimony a few minutes ago

22 regarding contracting on S- -- ETSBs, is it your

1 testimony that ETSBs do have the authority and
2 responsibility to enter into service contracts with
3 various service providers?

4 MR. HARVEY: This has been asked and answered.
5 She said that -- she responded to Mr. Hird's
6 examination and now she's being asked roughly the
7 same questions.

8 JUDGE RILEY: Counsel, to save time we'll just
9 go through it. Go ahead. Ms. Schroll, can you
10 answer?

11 THE WITNESS: Yes.

12 BY MR. KAUFHULD:

13 Q All right. And you indicated that there
14 has to be a modification application filed in certain
15 instances.

16 Are you indicating that such
17 modifications have to be filed in all instances in
18 which there is a contract entered into between ETSBs
19 and other service providers?

20 A No, there is no provision for that. My
21 reasoning for having another proceeding is to address
22 this issue.

1 Q All right. So is it your testimony, then,
2 Ms. Schroll, as of today your knowledge of service
3 providers and service contractors are entitled and
4 authorized to enter into contract with ETSB's?

5 A Yes.

6 Q All right. Thanks.

7 MR. KAUFHULD: All right. That's all the
8 questions that I have. Thank you.

9 JUDGE RILEY: Thank you, Mr. Kaufhuld.

10 Mr. Harvey, redirect?

11 MR. HARVEY: No, your Honor.

12 JUDGE RILEY: Let's take a very brief recess
13 for a moment.

14 (Whereupon, a recess was taken.)

15 JUDGE RILEY: Okay. We're all back.

16 Mr. Harvey, does that essentially complete the
17 examination of your witnesses?

18 MR. HARVEY: Assuming for the sake of argument
19 that examination -- I don't know whether Ms. Hertel
20 may have questions.

21 MS. HERTEL: I have no questions, your Honor.

22 MR. HARVEY: In that case, I would move for the

1 admission of Staff Exhibits 2.0 and 2.1.

2 JUDGE RILEY: Is there any objection to the
3 admission of Exhibits 2.0 and 2.1 with attachments
4 into evidence, generally?

5 MR. HIRD: I have no objection.

6 MR. HARVEY: Thank you. That concludes the
7 Staff's case.

8 JUDGE RILEY: All right. Then Staff Exhibits
9 2.0 and 2.1 are admitted into evidence.

10 (Whereupon, Staff Exhibit
11 Nos. 2.0 and 2.1 were admitted
12 into evidence.)

13 JUDGE RILEY: I think we are going slightly a
14 little bit out of order. Mr. Kaufhuld, you had a
15 witness that you wanted to present; is that correct?

16 MR. KAUFHULD: Yes, your Honor, I do have with
17 recross.

18 JUDGE RILEY: All right. Then would you like
19 to call that witness, now, please.

20 MR. KAUFHULD: Yes, that would be fine. I call
21 Normand Forshee.

22 JUDGE RILEY: Mr. Forshee, can you hear me

1 okay?

2 MR. FORSHEE: Yes, sir.

3 (Witness sworn.)

4 JUDGE RILEY: Mr. Madiar, is Mr. Harvey going
5 to be here for this.

6 MR. MADIAR: He said he would be right back,
7 but you can go ahead and proceed if you'd like.

8 JUDGE RILEY: Mr. Kaufhuld, please proceed with
9 Mr. Forshee.

10 MR. KAUFHULD: Thank you, your Honor.

11 NORMAND FORSHEE,
12 called as a witness herein, having been first duly
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY

16 MR. KAUFHULD:

17 Q Mr. Forshee, did you file or cause to be
18 filed prefiled testimony in this case or just in
19 generally the four pages and the 80-line testimony on
20 or about July 30th, 19- -- 2004?

21 A Yes, I did.

22 Q And have you had the opportunity to review

1 that prefiled testimony?

2 A Yes, I have.

3 Q And are there any changes or revisions to
4 that prefiled testimony as you've had the chance to
5 review?

6 A Yes. There is one change on Line 32 of
7 Page 2, the first two words on that line is
8 "telephone" and "number" and that should be
9 "maintenance services."

10 Q All right. So to clarify this, starting on
11 Line 31 and continuing the sentence that begins, We
12 have an experience use of Ramsey 24 by 7 telephone
13 number and found it to be very effective, you're
14 changing it to, We have an experience and use of
15 Ramsey 24 by 7 maintenance services and found them to
16 be very effective?

17 A That's correct.

18 Q All right. Other than that change, are
19 there any other changes or additions or deletions to
20 your proposed testimony?

21 A No.

22 Q And if you would testify today, would this

1 substantially be the same testimony?

2 A Yes, it would.

3 Q All right.

4 MR. KAUFHULD: Your Honor, I would move for
5 admission of the prefiled testimony.

6 JUDGE RILEY: All right. Then I will hold a
7 ruling in abeyance on your motion pending
8 cross-examination.

9 Beginning with Staff?

10 MR. MADIAR: There is no cross-examination from
11 Staff, your Honor.

12 JUDGE RILEY: SBC?

13 MS. HERTEL: No cross, your Honor.

14 JUDGE RILEY: Mr. Hird, anything?

15 MR. HIRD: No cross, your Honor.

16 JUDGE RILEY: All right. Then we will mark the
17 prefiled direct testimony of Mr. Normand Forshee as
18 St. Clair County Exhibit 1.

19 Is there any objection generally to
20 the admission of this exhibit into evidence?

21 MR. HIRD: No.

22 MS. HERTEL: No, your Honor.

1 MR. MADIAR: No objection from Staff, your
2 Honor.
3 MR. HIRD: No, your Honor.
4 JUDGE RILEY: Hearing no objection, St. Clair
5 County Exhibit No. 1 is admitted into evidence.
6 (Whereupon, St. Clair County
7 Exhibit No. 1 was admitted into
8 evidence.)
9 JUDGE RILEY: Thank you, Mr. Forshee.
10 Mr. Kaufhuld, did you have anything
11 further?
12 MR. KAUFHULD: Nothing further, your Honor.
13 JUDGE RILEY: All right. Thank you very much.
14 Can we proceed with SBC now without
15 Mr. Harvey?
16 MR. MADIAR: Yes, we can, your Honor.
17 JUDGE RILEY: All right. Counsel for SBC, you
18 wanted to call a witness, I understand?
19 MS. HERTEL: Yes. SBC Illinois calls Gene
20 Valentine as its witness.
21 And, your Honor, Mr. Valentine is not
22 near a mike, so should I ask him to sit in

1 Mr. Harvey's spot momentarily so he's close to the
2 mike?

3 (Witness sworn.)

4 JUDGE RILEY: Please proceed.

5 BERNARD EUGENE VALENTINE,
6 called as a witness herein, having been first duly
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY

10 MS. HERTEL:

11 Q Could you state your full name and business
12 address?

13 A My name is Bernard Eugene Valentine,
14 V-a-l-e-n-t-i-n-e. My business address is 4918 West
15 95th Street, 42, Oak Lawn, Illinois 60453.

16 Q Did you prepare 21 pages of testimony in
17 question to answer form that has been marked as
18 Exhibit 1.0?

19 A I did, indeed.

20 Q And were attached to that the following
21 exhibits, Exhibits 1.01, a diagram; 1.02, a glossary;
22 1.03, Staff response to the request; 1.06; 1.04 --

1 I'm sorry. Ramsey's response to Staff Request
2 No. 1.06; is it 1.04, which was Ramsey's response to
3 SBC data request 16A and B; Attachment 1.05, which
4 was Ramsey's response to SBC Illinois data request
5 1.15; Attachment 1.06, which was the data request
6 responsive to -- Ramsey's response to Staff 1.22;
7 Attachment 1.07, which was Ramsey's response to Staff
8 data request 1.01; Attachment 1.08, which was Staff's
9 data request -- or Ramsey's data request response to
10 Staff No. 1.27. And finally, Attachment 1.09, which
11 was Ramsey's response to Staff data request 1.10?

12 A Yes.

13 Q All right. Did you have any changes or
14 corrections that you wished to make to your testimony
15 which is Exhibit 1.0?

16 A Yes, I did.

17 Q Could you walk us through those?

18 A If we could go to Page 18 and go to Line
19 405, the third word in the sentence or the sentence
20 fragment beginning with the 911 database provider,
21 that database should have been replaced with the word
22 "service."

1 MR. HIRD: Excuse me for interrupting, but the
2 copy that I got served doesn't have the line numbers,
3 so if you could --

4 MS. HERTEL: Mr. Hird, I believe that my
5 administrative assistant may have --

6 MR. HIRD: Okay. My client provided me one.
7 Thank you.

8 THE WITNESS: Line 405, and starting at the
9 sentence right at the beginning, the phrase is the
10 911 database provider. We want to substitute the
11 word "service provider" or "service" for database in
12 that sentence fragment.

13 BY MS. HERTEL:

14 Q Do you have any further changes?

15 A Yes, I do. On Page 20, on Line 461 I want
16 to change the second word of that sentence fragment
17 responses does --

18 Q So it would be "do" rather than the "does"?

19 A It would be does rather than --

20 Q Or I'm sorry, does rather than do?

21 A Right.

22 Q Excuse me. And do you have a final change?

1 A And I have one final change, and that is on
2 Page 21, Line 465, and that's the last word in the --
3 on that line. The word shouldn't be "diminishing,"
4 it should be "diminution."

5 JUDGE RILEY: I'm sorry, say it again.

6 THE WITNESS: The last word on Line 465, it's
7 "diminishing" now, it should be "diminution."

8 JUDGE RILEY: Okay.

9 BY MS. HERTEL:

10 Q And with the exception of those three
11 changes, if I asked you the same questions today,
12 would your answers be the same?

13 A Yes, it would.

14 Q And did you also submit a piece of
15 testimony that has been marked as Exhibit 2.0 which
16 consists of nine pages of questions and answers?

17 A Yes, I did.

18 Q Do you have any changes or corrections that
19 you wanted to make to that testimony?

20 A No, I do not.

21 Q And if I asked you those questions would
22 your answers be the same today?

1 A Yes, they would.

2 MS. HERTEL: I would make Mr. Valentine
3 available for cross-examination and move to admit
4 Exhibits 1.0, 1.01 through 1.10 and Exhibit 2.0.

5 JUDGE RILEY: All right. I'll hold the motion
6 or ruling on the motion in abeyance pending the
7 completion of cross-examination.

8 Mr. Hird?

9 MR. HIRD: No cross-examination.

10 MR. MADIAR: None from Staff, your Honor.

11 JUDGE RILEY: Mr. Kaufhuld, is there any
12 cross-examination of Mr. Valentine?

13 MR. KAUFHULD: No cross-examination, your
14 Honor.

15 JUDGE RILEY: All right. Thank you. And is
16 there any objection to the admission of SBC Exhibits
17 1.0 with the ten attachments, 1.0 through 1.10 and
18 Exhibit 2.0 into evidence?

19 MR. HIRD: No, your Honor.

20 JUDGE RILEY: Hearing no objection, SBCs
21 Exhibit 1.0, including attachment 1 -- I should be
22 saying Exhibits 1.01 through 1.10 and Exhibit 2.0 are

1 admitted into evidence.

2 (Whereupon, Staff's Exhibit
3 Nos. 1.01 through 1.10 and 2.0
4 were admitted into evidence.)

5 JUDGE RILEY: Does that complete all of the
6 testimony of the -- that we're going to hear today?

7 Mr. Kaufhuld, you had nothing further;
8 is that correct?

9 MR. KAUFHULD: Yes, I have nothing further.

10 JUDGE RILEY: Staff, nothing further?

11 MR. MADIAR: Nothing from Staff.

12 JUDGE RILEY: SBC?

13 MS. HERTEL: Nothing further.

14 JUDGE RILEY: And Mr. Hird?

15 MR. HIRD: Nothing further, your Honor.

16 JUDGE RILEY: All right. Then we have
17 concluded all the testimony of all the witnesses.
18 The next order of business would be a briefing
19 schedule.

20 I'd feel better if Mr. Harvey was
21 here.

22 MR. MADIAR: I will locate Mr. Harvey, if we

1 can take a short break.

2 JUDGE RILEY: Let's go off the record.

3 (Whereupon, a discussion was had

4 off the record.)

5 JUDGE RILEY: And having completed the

6 examination of all of the witnesses, we are now at

7 the stage where we have to set a briefing schedule.

8 Do the parties agree -- or would the

9 parties agree to submit simultaneous briefs?

10 MR. HARVEY: That would be acceptable to Staff,

11 your Honor.

12 MR. HIRD: Acceptable to the Applicant, yes.

13 MS. HERTEL: That would be acceptable to SBC

14 Illinois.

15 JUDGE RILEY: Okay. Mr. Kaufhuld, acceptable

16 to you also?

17 MR. KAUFHULD: Yes, that's fine.

18 JUDGE RILEY: Mr. Dougherty, also?

19 MR. DOUGHERTY: Yes.

20 JUDGE RILEY: September 14th -- how much time?

21 Two weeks? Three weeks? A month?

22 MR. HIRD: Two at the most.

1 JUDGE RILEY: Two weeks?

2 MR. HARVEY: Well, would we even have

3 transcripts by then?

4 MR. HIRD: Sure, she's really good.

5 JUDGE RILEY: That is a standard two-week

6 turnaround on the transcripts; is that correct?

7 THE REPORTER: (Nodding.)

8 JUDGE RILEY: How much time after the

9 transcripts?

10 MR. HARVEY: When do we think we can get the

11 transcripts?

12 MR. HIRD: Regular delivery ten days?

13 THE REPORTER: Yeah, ten days.

14 MR. HIRD: Your Honor, the regular delivery is

15 ten days for the transcript.

16 JUDGE RILEY: Ten business days or ten --

17 MR. HIRD: Ten business days.

18 JUDGE RILEY: All right. Well, let's --

19 THE REPORTER: It could be earlier if need be.

20 JUDGE RILEY: Ten business days would take us

21 to the 27th.

22 MR. HIRD: Right. To the 30th?

1 JUDGE RILEY: 30th for briefs?

2 MR. HIRD: Yeah.

3 JUDGE RILEY: That's two days after delivery of
4 the transcripts.

5 MR. HARVEY: I'm not real thrilled with that.

6 JUDGE RILEY: I know, Mr. Hird, you're trying
7 to move this along as much as possible, I appreciate
8 that.

9 MR. HARVEY: I could see the 8th, your Honor.
10 I don't think that's out field.

11 JUDGE RILEY: Proposed October 8th for the
12 submission of briefs.

13 MR. HARVEY: That does show up as a Jewish
14 Holiday, so if anybody happens to be particularly
15 observant on that day, it might be an issue, but --

16 MS. HERTEL: I'm sorry, what day did you say?

17 MR. HARVEY: October 8th.

18 MR. HIRD: October 8th.

19 Your Honor, if I might, I know I'm
20 anxious to get this moved ahead, but if we get the
21 transcripts by the 27th, the arguments in this case
22 are pretty straightforward. The issues are

1 straightforward, you're just looking to tie instances
2 to the record on cross-examination.

3 You know, I guess my preference would
4 be to have them due on Friday the 1st. That gives
5 everybody all week to finish up a brief that they
6 probably have already written in advance at this
7 point anyway.

8 MR. HARVEY: Some of us may have already
9 written it in advance. I know that some us have not,
10 and I can tell which.

11 JUDGE RILEY: So there's no objection to the
12 1st?

13 MR. HARVEY: I would prefer the 8th, your
14 Honor. I mean, I frankly -- you know, the 1st, I
15 appear to have a couple of things due, and if I'm not
16 going to see a transcript before that, I think
17 that's -- you know, I'm a little concerned. I would
18 say the 8th would be reasonable.

19 JUDGE RILEY: Putting the court reporter on the
20 spot, when can it be done?

21 THE REPORTER: It can be five days, two days, a
22 day.

1 JUDGE RILEY: I'm sorry.

2 THE REPORTER: It could be either a day, so you
3 would get it tomorrow or it can be five days or it
4 would be the ten business.

5 MR. HIRD: It's a matter of cost, your Honor.
6 It goes from \$3.40 per page for regular ten-day
7 delivery, jumps to \$5.00 per page for expedited
8 delivery in five business days or you can get it next
9 day for 6.50 per page.

10 JUDGE RILEY: Who bears the cost?

11 MR. HIRD: Each of the parties request -- well,
12 I don't think we're required to pay the Intervenor's
13 cost of the transcript. We want to move this long.
14 And recall intervention was granted upon the basis of
15 the Intervenors, not causing any delay in this
16 matter.

17 MS. HERTEL: I think, your Honor, the party
18 paying the cost of the expedited is the party that's
19 seeking the expedited transcript.

20 MR. HIRD: I'm satisfied with a ten business
21 day delivery.

22 JUDGE RILEY: A ten business day?

1 MR. HIRD: As long as we can have the briefs
2 due on the 1st, which gives everybody at least four
3 or five days to finish up writing.

4 MR. HARVEY: This is not the only thing any of
5 us are doing. I see no reason why we can't go out to
6 the 8th and 15th.

7 MR. HIRD: That's three and a half weeks we're
8 waiting to submit briefs, though.

9 JUDGE RILEY: And the 11th is a holiday, so it
10 would be reply briefs.

11 MR. HARVEY: Again, that's -- you know, it's
12 sort of a holiday, I guess.

13 JUDGE RILEY: I guess for some and not for
14 others.

15 MR. HIRD: Do you have any estimate as to based
16 on the amount of time, how many pages we're talking
17 about?

18 THE REPORTER: We have been here for two hours,
19 probably 80, 90.

20 MR. HIRD: 80, 90 pages?

21 THE REPORTER: Anywhere from 80 to 100.

22 MR. HIRD: Okay.

1 Your Honor, my proposed practical
2 solution to this, according to what the court
3 reporter's given me, we can get delivery of the
4 transcript in ten days at \$3.40 per page.

5 We can bump that up to five business
6 days if we're willing to pay \$5.00 per page. The
7 court reporter has advised me we're looking at
8 something under or approximately a 100 pages.

9 My client would be willing to pay the
10 difference between regular delivery and expedited
11 delivery for their own, for Staff's, for SBC and for
12 the ITA if we can get this schedule bumped up and
13 accelerated. That gives everybody the transcript in
14 five business days, so we're looking at, what, the
15 19th, 20th? 21st is five business days.

16 JUDGE RILEY: And Applicant is saying you're
17 going to pay the difference in cost?

18 MR. HIRD: The difference in cost.

19 JUDGE RILEY: The difference in cost.

20 MR. HIRD: Between the \$3.40 and the \$5.00 per
21 page.

22 JUDGE RILEY: Is that humanly possible to get

1 everybody's agreement on that?

2 MS. HERTEL: I'm not going to object or suggest
3 that that's a good proposal, I'll sort of remain on
4 the sidelines on that one.

5 MR. HARVEY: I guess, what days are we
6 proposing here?

7 JUDGE RILEY: Well, five business days, that
8 would get the transcripts on the 21st, 20th or the
9 21st.

10 MR. HIRD: That's when we would get it.

11 MR. DOUGHERTY: So that would move it from the
12 8th to the 1st, if you're saying five days?

13 MR. HIRD: Well, your Honor, if we get the
14 transcripts on the 21st, there's no reason to wait,
15 you know, a week and a half.

16 JUDGE RILEY: Replies due by the following
17 Tuesday, the 28th?

18 MR. HIRD: Yeah, that would be -- yeah. Gives
19 everybody a full week with the transcripts.

20 JUDGE RILEY: Still a matter of me pulling this
21 all together. I can't give you any guarantees as to
22 how fast it can happen, but I'll work it immediately

1 and I'll exercise all due diligence.

2 MR. HIRD: Sure.

3 JUDGE RILEY: We're still back to the matter of
4 the parties are going to pick up the differences of
5 the -- not the difference, but the other portion of
6 those transcripts, expedited transcripts.

7 MR. KAUFHULD: Your Honor, is the proposal to
8 have the Petitioner, the Applicant pay for the
9 difference as well.

10 JUDGE RILEY: We're having difficulty hearing
11 you, Mr. Kaufhuld.

12 MR. KAUFHULD: I'm sorry, your Honor. Is the
13 Applicant willing to pay for the additional in
14 transcript fees for the Intervenor's as well?

15 MR. HIRD: Yes, paying the differential, that
16 is correct.

17 MR. KAUFHULD: Okay.

18 JUDGE RILEY: What portion are the other
19 parties going to pay?

20 MR. HIRD: Your Honor, if a party orders a
21 transcript they have to pay \$3.40 per page for
22 regular ten-day delivery.

1 JUDGE RILEY: And you're going to pick up the
2 other \$2.00 for the everyone?

3 THE WITNESS: We'll pick up the other \$1.60 per
4 page to expedite to five days for all of the parties
5 and Intervenors.

6 JUDGE RILEY: Okay. So that the other parties
7 are going to be paying nothing more than they would
8 have paid?

9 MR. HIRD: That's correct.

10 JUDGE RILEY: And that will be posted on the
11 Commission's Web site? That's the other thing I
12 don't understand about that, which is a public
13 access --

14 MR. HARVEY: I think that's only after 30 days,
15 your Honor.

16 MR. DOUGHERTY: I believe that's correct.

17 MR. HARVEY: Believe me, I've tried.

18 JUDGE RILEY: Are they willing to pick up
19 the -- well, just to pay the normal going rate.

20 MS. HERTEL: Your Honor, I ordered the
21 transcript at a normal going rate, so what they're
22 proposing I have no objections to the arrangement, I

1 don't necessarily concur that we should go along and
2 file briefs that much sooner than we would normally
3 in this kind of proceeding.

4 JUDGE RILEY: I can understand counsel's point
5 as to, you know, as to getting this resolved so that
6 they one way or another know how to proceed. And I
7 think as long as counsel's willing to pick up that
8 differential or the Applicant is willing to pick up
9 that differential -- then when does the five days
10 begin today or tomorrow?

11 THE REPORTER: Tomorrow.

12 JUDGE RILEY: Tomorrow. So we're talking the
13 21st?

14 MR. HIRD: 21st.

15 JUDGE RILEY: So the transcript would be ready
16 on the 21st, briefs ready on the 28th, 29th?

17 MR. HIRD: Mm-hmm.

18 JUDGE RILEY: The week after that?

19 MR. HARVEY: Sure.

20 JUDGE RILEY: A week. Okay. And then we'll
21 make the initial briefs ready on the 28th, replies
22 ready a week after that, Tuesday the 5th.

1 MR. HARVEY: Staff has a lot of direct
2 testimony going on on that day. We can do it -- yes,
3 we can do the 5th.

4 JUDGE RILEY: Is that acceptable to SBC?

5 MS. HERTEL: Yes, your Honor.

6 JUDGE RILEY: Mr. Kaufhuld?

7 MR. KAUFHULD: Yes, your Honor, that is fine.

8 JUDGE RILEY: Then where we are is that counsel
9 for the Applicant -- the Applicant has agreed to pick
10 up the differences in the cost of the expedited
11 transcript, the parties paying normally what they
12 would for per page. And that expedited the
13 transcript to five business days, parties can be
14 expected to receive it on the 21st, briefs -- initial
15 briefs would be due for the parties then on
16 September 28th and replied briefs would be due on
17 October 5.

18 MR. HIRD: Very good.

19 JUDGE RILEY: Is that clearly understood?

20 MR. HARVEY: Yes, your Honor, thank you.

21 JUDGE RILEY: Is there any other business?

22 MR. HIRD: Not from the Applicant, your Honor.

1 MR. HARVEY: Nothing from Staff, your Honor.

2 MS. HERTEL: Just a point of clarification, we
3 are all submitting these briefs to each other e-mail
4 in addition to filing on e-Docket, the idea is that
5 they be e-mailed --

6 JUDGE RILEY: Right.

7 MS. HERTEL: -- the due date?

8 JUDGE RILEY: Right.

9 Mr. Kaufhuld, did you have anything
10 further?

11 MR. KAUFHULD: No, your Honor, nothing further.

12 JUDGE RILEY: All right, then, I direct the
13 court reporter to mark this matter heard and taken.
14 Thank you very much.

15 HEARD AND TAKEN.

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